

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JUAN H. GARCIA JR.,¹

Plaintiff,

-against-

DETECTIVE M. MERCADO NY; PCT 110
QUEENS OR QUEENS COUNTY NY,

Defendants.

-----X
TOWNES, United States District Judge.

ORDER AND CIVIL JUDGMENT
09-CV-3285 (SLT)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 17 2009
P.M.
TIME A.M.

Plaintiff, proceeding *pro se*, and currently incarcerated at Rikers Island Correctional Facility, brings this action pursuant to 42 U.S.C. § 1983.² By memorandum and order dated July 30, 2009, the Court granted plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, and dismissed all claims against the 110 Precinct pursuant to 28 U.S.C. § 1915A(b). Having found that the true gravamen of plaintiff's complaint was incomprehensible, the Court granted plaintiff permission to file an amended complaint within thirty (30) days, which complies with Fed.R.Civ.P. 8(a). Plaintiff was advised that if he failed to submit an amended complaint within the allowed time, the Court would enter a judgment dismissing the complaint. More than 30 days have elapsed and plaintiff has failed to respond to the Court's order. Accordingly, it is

¹ Plaintiff is also known as "Jesus H. Garcia." See Complaint, Unmarked Exhibits.

² The United States District Court for the Southern District of New York transferred the complaint to this Court by order dated July 7, 2009.

clm

ORDERED, ADJUDGED AND DECREED: that the complaint is hereby dismissed.

28 U.S.C. § 1915A(b); Fed.R.Civ.P. 8(a). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.



SANDRA L. TOWNES
United States District Judge

Dated: Brooklyn, New York
November 13, 2009